REMARKS

As an initial matter, Claim 12 was amended to more clearly define that the proximal end of said at least one additional tube section has an outer wall with an outer diameter that is "larger than the inner diameter of the inner wall of the distal end of the first tube section." It is respectfully submitted that this amendment merely makes clear that it is the diameters of the outer wall and inner wall that are being defined by Claim 12.

The Examiner rejected pending Claim 12 under 35 U.S.C. § 103 as being un-patentable over Lin (U.S. Patent No. 6,091,597), Larsen (U.S. Patent No. 3,362,711) and Henderson et al. (U.S. Patent No. 3,998,459). The Examiner was of the opinion that Figures 10A and 11 in Lin discloses a frictional connection between the inner and outer walls of the respective tube sections. See Office Action, Pages 3-4. The Applicant respectfully disagrees with the Examiner's opinion, but, nonetheless has amended Claim 12 in an effort to more clearly define the features of the present invention. In particular Claim 12 has been amended to make clear that the inner diameter and outer diameter of the respective tube sections are in direct contact. That contact is what creates the frictional connection between the tubes. This is in sharp contrast to Lin where the inner and outer walls do not come into direct contact.

Applicant respectfully submits that he was not attempting to narrowly construe the claims or to *redefine* any term. Applicant cited references to dictionary definitions. The use of a dictionary is a proper reference under the M.P.E.P. in an attempt to *define* terms with their normal meanings. Applicant agrees with the Examiner that frictionally connects necessarily involves "two objects that are in contact." See Office Action, Page

4, Line 2. Applicant believes that the issue involves which objects are in contact as defined by the claims in the present application and as disclosed by Lin.

First, it is respectfully submitted that Lin does not teach or suggest that parts of the wedge shaped portion could ever be considered as an inner or outer diameter as claimed in the present invention. Lin teaches that the permittivity of the dielectrics on the rod portions 5A, 5B, and 5C are caused to be equivalent by considering the curve distance, D1, D2, and D3 which by definition is a function of diameter. D1, D2, and D3 do not in any way relate to the dimensions of the wedge portions 54. Lin would have a completely different formula if it had considered the dimensions related to the wedge shaped portion 54 in its calculations. Therefore, it is respectfully submitted the Lin does not teach or suggest that the wedge shaped portions denote an inner or outer diameter of the tube sections and that the inner and outer diameter contact each other.

Even if the wedge shaped portions 54 of Lin were considered to disclose the inner and outer diameters of the tube sections, it is respectfully submitted that Lin does not disclose the features as claimed in the present invention. Merriam Webster defines inner as "situated farther in." Using the diagram below of Fig. 11 of Lin, (which the Examiner used in the Office Action), the diameter that is situated "farther in" is the inner diameter and is marked on the diagram. The same argument holds true for the definition of an *outer* diameter, it is situated "farther out." The *outer* diameter of the proximal end of the additional tube section likewise is marked on the diagram.

The Examiner considered the wedge shaped portion of tube section 5A to be the inner diameter. If that is the case then it is respectfully submitted that the wedge shaped portion of tube section 5B must likewise be considered to be outer diameter. However,

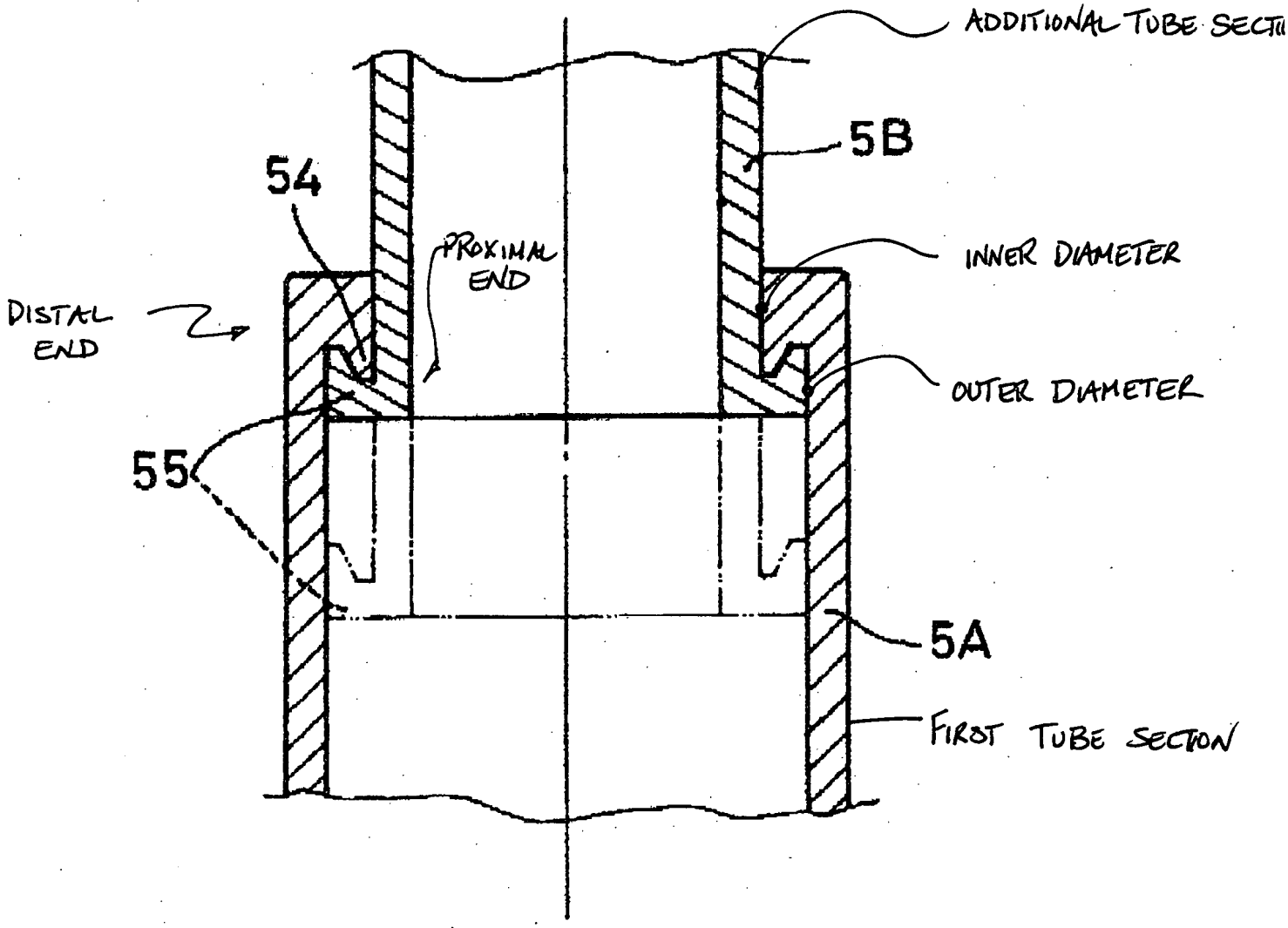

FIG. 11

as shown in Fig. 11, the inner and outer diameters of the wedge portions do not touch or come into direct contact. Rather, they contact other parts of the tubes. In sharp contrast, Claim 12 as currently amended clarifies that the inner wall of distal end the first tube section directly contacts the outer wall of proximal end of the additional tube section.

In sharp contrast, Claim 12 recites that "the outer wall of the proximal end of the at least one additional tube section directly contacts the inner wall of the distal end of the first tube section." Claim 12 further recites that "the contact between the outer wall of the proximal end of the at least one additional tube section and the inner wall of the distal end of the first tube section" causes "a frictional connection which locks the additional tube section in its extended position."

While the Applicant agrees with the Examiner that friction always exists when two objects are in contact and in motion relative to one another, whether the friction is sufficient to "lock" two tubes into place is a different matter. While Lin may disclose that some portions of the stun mechanism are in contact (thus some friction) Lin does not disclose, nor could it disclose, that friction locks the tube sections together. The tube sections lock via the wedge shaped portions. The wedges stop movement with a complete barrier to movement, not with friction. In contrast, the present claim 12 clarifies that it is the "frictional connection" between the surfaces in direct contact that lock the tubes into place.

The Examiner rejected claims 22-24 under 35 U.S.C. § 103 as being un-patentable over Lin (U.S. Patent No. 6,091,597), Larsen (U.S. Patent No. 3,362,711) and Henderson et al. (U.S. Patent No. 3,998,459) and Strodtman (U.S. Patent No. 5,287,255). The Examiner is of the opinion that Strodtman teaches telescoping defense devices

having tapered tube sections, and further teaches that the tube sections taper at the same rate. The Examiner was also of the opinion that it would be obvious to combine the features of Lin, Henderson and Larsen with Strodtman and the motivation for doing so would have been to obtain a telescoping shocking device that can be carried compactly yet easily deployed.

However, it is respectfully submitted that Strodtman is not in the same field of endeavor as Henderson, Lin or Larsen. First, the Examiner previously noted that Henderson, Lin and Larsen are from the field of "electric defense shocking devices." Page 5. Prior office actions have noted that Lin and Henderson were from the field of "electric shocking devices" Page 3, 9/25/2006, and Lin, Henderson and Larsen were from the field of "electric shocking devices." Page 3, 9/25/2006. Going back to 2004 the Examiner was of the opinion that Lin and Henderson were from the field of "electric shocking devices." Page 8, March 23, 2004. The Examiner later believed the field of art to be "electric prods." Page 4, June 8, 2005. However, on Page 6 of the present office action the Examiner notes that all four references are analogous art because they are from the field of "defense devices." Finally, the previously cited reference dealing with tapered tube sections was Hamilton (U.S. Patent No. 4,819,137). Hamilton was noted by the Examiner to be in the field of "telescoping defense devices." Page 6, March 23, 2004. Hamilton was distinguishable from the present invention simply because it was not in the field of non-lethal defense devices, and, that as a metal baton, it was too heavy, and too conductive. It is respectfully submitted that the field of defense devices is too broad a field from which to draw analogous art.

Moreover, Strodtman, like Hamilton, is a potentially lethal weapon. It is respectfully submitted that lethality and non-lethality necessarily teach away from each other and are not properly combinable.

Dependent claims 22 and 23 have been added to include the tapered feature of the tube sections at or near the end of each tube section. Dependent claim 24 has been added to clarify that the rate of taper is the same in the first tube section and the at least one additional tube section.

It is respectfully submitted that Strodtman even if combined with the features of Lin, Larsen and Henderson would not produce the invention of the present application. Strodtman is not a shocking device. As previously discussed in prior amendments, the combination of references like Bartel and Abildgaard, that are both various shocking devices, do not produce the stun gun of the present invention. In this case, Strodtman is a flashlight/baton. Strodtman clearly discloses that the flashlight/baton housing 11 is of metallic construction. Col. 1, Line 14; Col. 4, Lines 20-21. No alternate materials of construction are disclosed or suggested, and there would not be any reason to do so. A baton, as disclosed in Strodtman, must be able to either subdue an assailant or as a defensive weapon. Strodtman also can be a lethal weapon. Plastic would not be sufficient because it would not have sufficient weight. Wood is not a suitable alternate material given Strodtman's focus on expandability and deployment.

Moreover, metal is a conductor of electricity. As a material for construction for the tube sections of the present invention, using only metal is anathema to the effectiveness of the present invention as it would completely short circuit the electrical circuitry.

Applicant also encloses a press release article from the local Chamber of Commerce related to his invention. Applicant is enjoying considerable interest from various defense related groups such as police officers, military defense contractors, and the like. Of particular interest to such groups is the non-lethal feature of the present invention. In other words, the stun gun of the present invention, in the unlikely event it ever fell into the wrong hands, could not be used as a lethal weapon. This makes the device particularly useful to air marshals for example who would not be subject to potentially lethal force being used against them in an emergency situation in flight. Such is not the case with a baton or other heavy weapon. In view of the foregoing, it is respectfully submitted that the use of "defense devices" as the field of analogous art is too broad in scope.

It is respectfully submitted that the claims presently pending in the captioned application define allowable subject matter in view of the amendments and remarks herein. An early and favorable notice to that effect is earnestly solicited.

Respectfully Submitted,

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I hereby certify that this document, Preliminary Amendment, is being deposited with the United States Post Office as first class mail on June 20, 2007, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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